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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,154	03/13/2004	Johann Jackel	0810 A US	6783
20676	7590	03/13/2006	EXAMINER	
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,154

Applicant(s)

JACKEL ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) 11,13-17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12,18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 11, 13-17 & 19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant elected Species I (shown in Figs. 1 & 2) and timely traversed the restriction (election) requirement in the reply filed on September 26, 2005.

Response to Amendment

3. The amendment filed Feb. 13, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The material added at paragraph 0053 is not supported by the original disclosure. Fig. 1 shows only that each of the coil springs 7 & 8 extends along an arc of about 180 degrees. Furthermore, the springs could not extend over an arc of any other size since the entraining members 24 & 25 are suppose to be diametrically opposed to each other. See page 9, line 1.

Applicant is required to cancel the new matter in the reply to this Office Action.

4. The amendment filed Feb. 13, 2006 is objected to because the withdrawn claims are identified by inappropriate status indicators.

Drawings

5. The drawings are objected to because:
 - a. Fig. 1 shows the entraining members 28 & 29 on the carrier element 23, but in the description (see for example paragraph 0036) the entraining members 28 & 29 are described as being on the carrier element 27.
 - b. Fig. 2 shows a blackened border about the rivet 30 (note this border isn't present in Fig. 3), but it is not clear what this blackened border is supposed to represent.
6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The disclosure is objected to because paragraphs 0003-0009 fail to describe “related art” as suggested by the section heading they appear under.

Claim Rejections - 35 USC § 112

8. Claims 1, 2, 4-10, 12, 18, 20 & 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not pointed out where the following limitations are supported, nor does there appear to be a written description of the limitations in the application as originally filed.

- a. Claim 1, lines 9 & 10: “upon relaxation of a first coil spring a carrier element operates to simultaneously unload a second coil spring, whereby both coil springs are equally unloaded.”
- b. Claim 10: “one of said carrier elements is centered relative to a longitudinal axis of said support”
- c. Claim 21, lines 1 & 2: “the coil springs are disposed end-to-end”. To the contrary, Fig. 1 shows the ends of the springs 7 & 8 are separated by abutments 16.

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9. Claims 1, 2, 4-10, 12, 18, 20 & 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1, line 10 and claim 21, line 5 recite the limitation “both coil springs” which indicates the claimed invention has just two coil springs, but in line 3, the claimed invention is recited only as having “at least two” springs, which means it could have more than just two springs. It is not clear how it can have more than two springs (as recited in line 3) if it has only two springs as recited in line 10.
- b. Claim 4 recites the limitation "said at least one energy storing element". There is insufficient antecedent basis for this limitation in the claim.
- c. Claim 5, line 1 recites the limitation “ a first energy storing element”. It is not clear if this element is the same as, or different from the “first” such element recited in line 9 of claim 1.
- d. Claim 7 recites the coupling means “includes at least one . . . carrier element”. It is not clear if this carrier element is the included with, or exclusive of the carrier elements recited in line 8 of claim 1.
- e. Claim 21, line 3 recites the limitation, “a pair of coil springs”. It is not clear if these springs are the same as, or different from the previously recited springs.
- f. Claim 21, line 4 recites the limitation “ a carrier element”. It is not clear if this carrier element is the included with, or exclusive of the carrier elements recited in line 8 of claim 1.

- g. Claim 21 recites the limitation "the common axis" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. Claims 1, 2, 4-6 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wooldridge, US 2,300,720. Figs. 1-6 show a torsional vibration damper comprising: a plurality of ring-shaped mass components 18 & 30 rotatable relative to each other about a common axis; at least two deformable energy storing elements, coil springs 51, arranged to yieldably oppose rotation of the components relative to each other; and means 37 for operatively coupling corresponding end regions of the coil springs to each other for controlled entrainment of one of the springs 50 in response to deformation of the other of the springs 51. Fig. 3 shows the means 37 for coupling include carrier elements 38, and that upon relaxation of a first coil spring 51 a carrier element 38 operates to simultaneously unload a second coil spring 51, whereby both coil springs are equally unloaded. Fig. 3 shows the coupling means 37 includes: a first entraining member 41 that is in motion-transmitting engagement with one of the springs 51; and a second entraining member 41 that is in motion-transmitting engagement with the another of the springs 51.

11. Claims 1, 2, 4-10 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kern et al, US 4,947,700. Figs. 1-3 & 6 show a torsional vibration damper comprising: a first component 20, 48, 72 and a second component 14 rotatable relative to each other about a common axis; at least two deformable energy storing elements, coil springs 58, arranged to

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yieldably oppose rotation of the components relative to each other; and means for operatively coupling corresponding end regions of the coil springs to each other for controlled entrainment of at least one of the springs 58 in response to deformation of the other of the springs 58. Figs. 2, 3 & 6 show the coupling means comprises two annular carrier elements 70 and each carrier carries two entraining members 68. Figs. 2, 3 & 6 show that upon relaxation of coil spring 58 a carrier element 70 operates to simultaneously unload a second coil spring 58, whereby both coil springs are equally (see also "equalizers" in col. 5, line 67) unloaded. Figs. 2, 3 & 6 show the damper includes a support/flange 50 for the carrier elements, wherein each of the carrier elements is turnable relative to and in frictional contact with the support.

Response to Arguments

12. Applicant's arguments filed Feb. 13, 2006 have been fully considered but they are not persuasive.

- a. Applicant argues that Wooldridge fails to show corresponding end regions of springs coupled together by a carrier element as claimed in claim 1. However, claim 1 recites that the means for coupling couples the end regions of coil springs. Likewise, Wooldridge clearly shows in Fig. 3 that means 37 couples corresponding end regions of the coil springs 51
- b. Applicant argues that Kern does not show a means for coupling corresponding end regions of coil springs to each other by carrier elements that operate to simultaneously unload a second coil spring upon relaxation of a first coil spring. However, Kern shows means for coupling corresponding end regions of coil springs to each other by carrier

elements 70 that operate to simultaneously unload a second coil spring 58 upon relaxation of a first coil spring 58.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
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